

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

DOUGLAS ALLARD,	)	CV 06-39-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
DEBRA JEAN WESTERMAN,	)	
UNITED STATES DEPARTMENT OF THE	)	
INTERIOR - BUREAU OF INDIAN	)	
AFFAIRS, and ALL OTHER INTERESTED	)	
PARTIES, KNOWN OR UNKNOWN,	)	
	)	
Defendants.	)	
	)	

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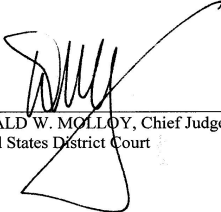
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 23, 2006. Douglas Allard did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

This matter is before the Court on Defendant Debra Jean

Westerman's (Westerman) Amended Motion to Dismiss. Westerman moves the Court to dismiss this case for lack of both personal jurisdiction and subject matter jurisdiction. She also argues dismissal is warranted pursuant to Rule 12(b)(6), Fed. R. Civ. P. due to Plaintiff's failure to state a claim upon which this Court can grant relief. Judge Lynch concluded that the action should be dismissed for lack of subject matter jurisdiction.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #11) and I adopt them in full. Defendant Westerman's Amended Motion to Dismiss should be GRANTED and this action should be DISMISSED due to lack of jurisdiction.

DATED this 9<sup>th</sup> day of August, 2006.



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DONALD W. MOLLOY, Chief Judge  
United States District Court